C.S.10.2

Single Bench

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (C.G.)

WRIT PETITION NO. 657/2005

PETITIONER

K.K. Yadav,
S/o. Shri Y.N. Yadav,
Aged about 37 years,
Occupation - service,
Presently working as
Assistant Manager,
R.M. Office, BSP Unit,
Chennai (Tamilnadu),
R/o.Qr.No.12-A,F-Pocket,
Maroda Sector, Bhilai,
District Durg (C.G)

VERSUS

RESPONDENTS

1. Chairman,
Steel Authority of India
Limited, New Delhi.

2. Bhilai Steel Plant,
Bhilai, Dist.Durg (C.G.)
Through its Managing
Director

P.A. No. 641/05
Presented by Shri Mr. Neeraj Dubey
dated 17.02.05

3. Managing Director,
(Disciplinary Authority)
Bhilai Steel Plant,
Bhilai, Dist. Durg (C.G)

4. General Manager,
Town Administration
Department,
Bhilai Steel Plant,
Bhilai, Dist. Durg (C.G)

5. Executive Director
(Personnel &
Administration),
Bhilai Steel Plant,
Bhilai, Dist. Durg (C.G)

6. Enquiry Officer-cum-
Chief Personnel Manager,
Bhilai Steel Plant,
Bhilai, Dist. Durg (C.G)

7. Chief Personnel Manager
(Executive Cell),
Bhilai Steel Plant,
Bhilai, Dist. Durg (C.G)

8. Pratap Shekhar Naik,
Asst. Estate Manager,
Town Administration
Department,
Bhilai Steel Plant,
Bhilai, Dist. Durg (C.G)

(2)

(5)
2

9. A.K. Kayal,
Assistant General
Manager,
Safety Department,
Bhilai Steel Plant,
Bhilai, Dist. Durg (C.G)

10. Senior Manager
(Personnel &
Consultation),
Bhilai Steel Plant,
Bhilai, Dist. Durg (C.G)

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF WRIT IN THE NATURE OF CERTIORARI, MANDAMUS, PROHIBITION AND FOR OTHER SUITABLE WRIT OR WRITS, ORDER OR ORDERS, DIRECTION OR DIRECTIONS

(156)

XI-HC—78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P. No. 657 सन् 2005

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

14.3.2005

Smt. Fouzia Mirza, counsel for the petitioner.

I.A.No.1364/2005 for urgent hearing is allowed.

Heard on admission.

Learned counsel for the petitioner submits that the petitioner has been punished in a domestic enquiry vide order dt 14.7.2004 (Annexure P- 22). She further submits that according to the provisions of Conduct, Discipline and Appeal Rules, 1977, there is a provision of appeal and the petitioner has filed an appeal before the competent authority on 19.7.2004. The memo of appeal alongwith the endorsement of receipt has been filed as Annexure P- 23.

The endorsement shows that the appeal has been sent through proper channel vide receipt No.1141 dated 19.7.2004.

Learned counsel for the petitioner further submits that till today the appeal of the petitioner has not been decided and the order of punishment has been given effect to.

I have heard the learned counsel for the petitioner at length. I have also gone through the entire records of the case and examined the matter.

Since there is an alternative remedy of appeal in the rules itself and the appeal has already been filed and the same is pending before the competent authority, I am of the opinion that present is not a fit case in which this Court should intervene at this intermediate stage. Let the appeal be decided first.

(157)

XI-HC—78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश - 2 -	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

It is directed that if the appeal filed by the petitioner has not been decided so far, then the same shall be decided by the competent authority as early as possible, preferably within a period of 6 weeks from the date of receipt/production of certified copy of this order before him.

If any adverse order is passed in the appeal, the petitioner shall be at liberty to assail the same by filing fresh petition before this Court.

The petition is finally disposed of at this stage with the aforesaid liberty granted in favour of the petitioner.

Certified copy as per rules.

Sd/-
Sunil Kumar Sinha
Judge

Rao/Sunita

16.3.05